

Notice of Allowability

Application No.

09/675,620

Examiner

Eric B. Kiss

Applicant(s)

HICKS, DANIEL RODMAN

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed May 13, 2004.
2. ☒ The allowed claim(s) is/are 22-28, renumbered as 1-7.
3. ☒ The drawings filed on 23 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TODD INGBERG
PRIMARY EXAMINER

DETAILED ACTION

1. The replies filed April 7, 2004, and May 13, 2004, have been received and entered.
Claims 22-28 are pending.

Response to Amendment

2. Applicant's amendments to the specification in the replies filed April 7, 2004, and May 13, 2004, appropriately address all objections to the specification as detailed in the Office action mailed February 19, 2004. Accordingly, these objections are withdrawn in view of Applicant's amendments.
3. Applicant's amendments to the claims in the reply filed April 7, 2004, appropriately address the rejection of claims 22-28 under 35 U.S.C. §112, second paragraph, based on indefiniteness as detailed in the Office action mailed February 19, 2004. Accordingly, this rejection is withdrawn in view of Applicant's amendments.
4. Applicant's amendments to the claims in the reply filed April 7, 2004, appropriately address the rejection of claims 22-28 under 35 U.S.C. §101 based on nonstatutory subject matter as detailed in the Office action mailed February 19, 2004. Accordingly, this rejection is withdrawn in view of Applicant's amendments.

Allowable Subject Matter

5. All grounds of rejection for claims 22-28 have been withdrawn. Claims 22-28 are allowed.

6. The following is an Examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest preferentially (by default) resolving a called method as cloned versions (within cloned objects – new objects with properties copied from the original object) and resolving the called methods to external versions in the event of a version conflict between the cloned and external versions. The recited claim limitations inherently require execution of the claimed framework and interaction with the claimed common compilation unit in order to realize the prescribed functionality. Therefore, the requisite functional interrelationship between the claimed limitations and the required computer environment (through the use of a computer readable medium) is present (and thus, the claims recite statutory subject matter as indicated above).

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBK / *EBK*
June 16, 2004


TODD INGSBERG
PRIMARY EXAMINER

BEST AVAILABLE COPY